

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/650,304
Applicant : John M.K. Daniel et al.
Filed : August 28, 2003
TC/A.U. : 3731
Examiner : Vi X. Nguyen
Title : DISTAL PROTECTION DEVICE AND METHOD
Docket No. : 1001.1351114
Customer No. : 28075

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RENEWED PETITION UNDER 37 CFR 1.137(b)

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CERTIFICATE UNDER 37 C.F.R. 1.06(d). The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the U.S. Patent and Trademark Office, Fax No. 571-273-8300, on this 10 day of

February, 2006

By _____

JoAnn L. Indman

JoAnn L. Indman

Dear Sir:

This is a request for reconsideration of the dismissal of applicants' Petition to Revive filed December 30, 2005. In the Communication from the Petitions Attorney, dated January 17, 2006, dismissing applicants' Petition, the Petitions Attorney indicated that applicants' Petition included all the required elements, except for the required reply.

Accompanying this Communication is a copy of the continuation application filed December 21, 2005 in response to the Office Action dated June 21, 2005. This continuation has now been assigned Serial No.11/314,775. Applicants respectfully submit that the continuation application satisfies the requirement for a reply in accordance with MPEP §711.03(c)II.A.2 (b)(D).

Page 1 of 2

Reconsideration of applicants' Petition is respectfully requested.

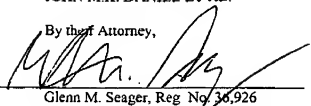
Respectfully submitted,

JOHN M.K. DANIEL ET AL.

By their Attorney,

Date:

Feb. 10, 2006


Glenn M. Seager, Reg. No. 36,926
CROMPTON, SEAGER & TUFTE, LLC
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PTO/SB/05 (09-04)

Approved for use through 07/31/2008. DMB 0851-0352
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UTILITY
PATENT APPLICATION
TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(h))

Attorney Docket No. 1001 1351115
 First Inventor John M.K. Daniel
 Title Distal Protection Device and Method
 Express Mail Label No. EV426846993US

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APPLICATION ELEMENTS

See MPEP chapter 800 concerning utility patent application contents

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
 (Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status
 See 37 CFR 1.77
3. ☒ Specification [Total Pages 48]
 From the claims and abstract must start on a new page
 (For information on the abstract arrangement, see MPEP 608.01(a))
4. ☒ Drawing(s) [35 U.S.C. 113] [Total Sheets 16]
5. Oath or Declaration [Total Sheets 3]
 a. ☒ Newly executed (original or copy)
 A copy from a prior application (37 CFR 1.63(d))
 (For continuation/divisional with Box 18 completed)
 b. ☐ DELETION OF INVENTOR(S)
 Signed statement attached deleting inventor(s)
 name in the prior application, see 37 CFR
 1.63(e)(2) and 1.33(e)
6. ☐ Application Data Sheet. See 37 CFR 1.76
7. ☐ CD-ROM or CD-R in duplicate, large table or
 Computer Program (Appendix)
 a. ☐ Landscape Table on CD
8. Nucleotide and/or Amino Acid Sequence Submission
 (if applicable, items a - c are required)
 a. ☐ Computer Readable Form (CRF)
 Specification Sequence Listing on:
 i. ☐ CD-ROM or CD-R (2 copies); or
 ii. ☐ Paper
- c. ☐ Statements verifying identity of above copies

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ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
 Name of Assignee _____
10. ☒ 37 CFR 3.73(b) Statement [Power of Attorney]
 (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (PTO/SB/08 or PTO-1449)
☐ Copies of citations attached
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
 (Should be specifically identified)
15. ☐ Certified Copy of Priority Documents
 (if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122(e)(2)(B)(i).
 Applicant must attach form PTO/SB/35 or equivalent
17. ☐ Other _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. 10650.304

Prior application information

Examiner Nguyen, V.L.X.

Art Unit 3731

19. CORRESPONDENCE ADDRESS

☒ The address associated with Customer Number 28075 OR ☐ Correspondence address below

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Telephone 612-637-9050

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Signature

Date

December 21, 2005

Name (Print/Type)

Glenn M. Seager

Registration No. (Attorney/Agent) 36,526

This collection of information is required by 37 CFR 1.53(h). The information is required to obtain or retain a patent by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is exempted to file 12 minutes to complete, including gateway, preparation, and submitting the completed application form to the USPTO. There will vary depending upon the individual case. Any comments on the amount of time you require to complete the form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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This will acknowledge receipt of Utility Patent Application Transmittal, Fee Transmittal (2), copy of prior patent application including 48 pages of specification, 16 sheets of drawings, copy of Declaration, 3.73(b) Statement, Power of Attorney, a check in the amount of \$1,200 and Postcard Receipt, with respect to the following

Date of Deposit: December 21, 2005

Applicant: John M. K. Daniel et al.

Serial No.: NEW APPLICATION

Filing Date: December 21, 2005

Docket No.: 1001 1351116

For: DISTAL PROTECTION DEVICE AND METHOD

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This will acknowledge receipt of Utility Patent Application Transmittal, Fee Transmittal (2), copy of prior patent application including 48 pages of specification, 16 sheets of drawings, copy of Declaration, 3.73(b) Statement, Power of Attorney, a check in the amount of \$1,200 and Postcard Receipt, with respect to the following:

Date of Deposit: December 21, 2005
 Applicant: John M. K. Daniel et al.
 Serial No.: NEW APPLICATION
 Filing Date: December 21, 2005
 Docket No.: 1001.1351116
 For DISTAL PROTECTION DEVICE AND METHOD

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